



## RULES AND REGULATIONS

PROCEDURE NO.

117-75

1024 Feb-01 PM 02:20  
U.S. DISTRICT COURT  
N.D. OF ALABAMA

## BODY-WORN CAMERAS

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**PURPOSE:** This policy is designed to enhance the Birmingham Police Department's intent to promote a safe and professional work environment for its employees and to establish guidelines and procedures for the utilization of the Body-Worn cameras (BWCs). This policy will establish procedures for the retention, duplication, storage, and proper utilization of BWCs so that officers may reliably record their contacts with the public in accordance with the law.

I. **OBJECTIVE:**

BWCs will be used to assist employees in the performance of their duties by providing an accurate and unbiased documentation of events, actions, conditions, and statements made during arrests and other incidents. There is not an expectation of privacy to any event or message recorded. The BWC will also assist officers with testimony in court and enhance the department's ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, and evidence for investigative purposes. **This policy does not govern the use of concealed recording devices used in undercover operations.**

II. **PROCEDURES FOR WHEN TO USE THE BWC:**

- A. At the beginning of each shift and throughout the tour of duty, an officer which has been issued a BWC will be responsible for ensuring the device is not damaged and is in good working order. Officers will use only issued and approved BWCs. **The wearing of personal video recorders is not authorized.**
- B. The BWC, it shall be affixed to the center chest area by using the issued mounting device or uniform configured directly for that device.
- C. If the BWC is discovered damaged or not properly functioning, the officer will immediately notify a supervisor. The supervisor will send an email to [BPDtasersupport@birminghamal.gov](mailto:BPDtasersupport@birminghamal.gov).
- D. Prior to leaving the precinct, officer will ensure that the BWC is equipped with sufficient memory and battery power to complete their tour of duty. At the beginning of the tour of duty, officer will place the camera in the BUFFERING mode until needed.
- E. Officers will activate the BWC to record by placing it in EVENT mode when responding to calls for service and during law enforcement-related encounters and activities, such as traffic stops, arrests, searches, interviews, and pursuits. Whenever an officer is in doubt, a recording should be made. When recording is completed, the officer will hold the EVENT button down for 5 seconds to deactivate the recording.

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COB001901

2:21-cv-01002-AMM  
01/29/2024 Trial  
Plaintiff Exhibit No. 4





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NOTE: Failure to activate BWC and/or record event(s) can result in disciplinary actions. Officers are not required to notify citizens of BWC recordings nor are they prohibited from doing so. **The mere request by the public and/or defendant shall not be sufficient to terminate the BWC recording.**

- F. If an officer fails to activate the BWC when responding to calls for service and during law enforcement-related encounters and activities, fails to record the entire contact, or interrupts the recording, the officer will notify their supervisor and make an oral (on BWC) or written report as to why the recording was not made, was interrupted, or was terminated. BWC recordings may be stopped after the officer/suspect has left the scene, or in an arrest situation where the defendant is secured and handcuffed in the backseat of the patrol unit. If a stabilized situation fluctuates (becomes unstable, etc...) and escalates, a new recording will be made.

### III. PROCEDURES FOR BWC USE

- A. BWC equipment is issued primarily to uniformed personnel in the ranks of Sergeant and below. Officers in these ranks, who are assigned BWC equipment must use the equipment while in uniform during all citizen contacts unless otherwise authorized by their immediate supervisor.
- B. Officer(s) will only use the BWCs issued by the Birmingham Police Department. The BWC equipment and all data, images, videos, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Birmingham Police Department.
- C. All officers who are assigned BWCs will complete proper training in its operation and the BWC policy prior to its usage.
- D. If an officer is suspected of misconduct or involved in any type of response to resistance incident, a supervisor or IAD may limit or restrict any personnel from viewing the video file.
- E. Officer(s) will document in their incident, arrest, and/or any related reports when BWC recordings are made during an incident. The BWC file will not be a replacement for a written report.
- F. Officers assigned BWCs shall use them during off-duty work and shall comply with this policy. BWC use is allowed only for approved off-duty jobs within the city and while wearing the department uniform. Officers shall activate the BWC in accordance with the procedures set forth in this

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policy if they are required to undertake official police actions during the course of their assignment.

**IV. DISSEMINATION AND VIEWING OF BWC EVIDENCE**

- A. At no time will an officer/supervisor allow an unauthorized person to view, disseminate or record any BWC evidence.
- B. Officers are allowed to view their own videos and, if necessary, share with other officers involved in the same incident. Supervisors will have the ability to view all videos unless marked restricted.
- C. Anytime an officer/supervisor views a BWC video, justification must be noted each time in the notes section of the file. Failure to do so may result in disciplinary action.
- D. Dissemination of BWC evidence is only authorized to the City Attorney to ensure compliance with Code of Alabama section 12-21-3.1 and District Attorney's office by the Technology division or the assigned detective in a case. Trained Technology personnel will download a video and distribute the authorized copy and will place a copy of the authorized video in the property room with a corresponding supplemental report. Any other dissemination must be authorized by the Chief of Police. Those requesting a copy of the video must make that request through the City of Birmingham's Law Department located at City Hall. The District Attorney's Office will provide copies of video for "discovery" in state criminal cases.

**V. PROHIBITED USE OF BWC (RESTRICTIONS)**

**BWCs will only be used in conjunction with official law enforcement duties.**  
The BWC will not be used to record:

- A. Communications and conversations with other officers or supervisors without their knowledge and/or permission from the Chief of Police or their designee;
- B. Officers shall not intentionally record confidential informants or undercover officers unless the recording is conducted specifically for the purpose of documenting a sting, drug purchase/sale, or other undercover operation in furtherance of a criminal investigation;
- C. When on break or otherwise engaged in personal activities;

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- D. To respect the dignity of others, unless articulable exigent circumstances exist, Officers will try to avoid recording videos of persons who are nude or when sensitive human areas are exposed. The BWC's shall not be used to record areas where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms or restrooms;
- E. Officers shall not activate a BWC while on the grounds of any public, private or parochial elementary, middle, high or secondary school except when responding to an imminent threat to life or health, or where there is a potential for enforcement and/or criminal investigation, or during an encounter with the public that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
- F. The BWC shall be utilized by any Department member assigned this device during all investigative or enforcement contacts however, there may be limited circumstances when the respect for an individual's privacy or dignity outweighs the need to record an event (e.g. – a victim traumatized following a violent sexual assault). When an officer believes such circumstances exist, or that use of a BWC would impede or limit the cooperation of a victim or witness during an investigative contact, an officer may place the BWC in "standby mode". The officer will then state reason for the pause in recording and authorizing supervisor name on the BWC prior to placing it on standby mode.

**VI. VIDEO FILE MAINTENANCE**

- A. Officers must tag their videos no later than the next work day following successful uploading of data. This may also be immediately accomplished through smart phone pairing with the camera head via the Bluetooth connection.
- B. If multiple officers have video of the same incident (Where a report is generated), each officer shall combine their videos under the same case number during the tagging process.

**VII. CHARGING, UPLOADING, AND OPERATION**

- A. To insure the BWC has sufficient time to boot or shut down properly, officers should turn on the BWC as soon as they leave roll call, leave the device on the entirety of the shift (Buffer mode) and turn the device off prior to entering their work location at end of shift.

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- B. The BWC shall be docked at the end of each shift. At no time shall this item remain in the possession of the officer after the end of each shift.
- C. Officers shall only dock their BWC in their marked, assigned docking slot.
- D. Officers will not use another officer's camera until reconfigured by Technology to that specific officer unless exigent circumstances exist.

**III. STORAGE OF BWC FILES**

- A. If a critical incident occurs, the officer's supervisor will immediately take physical custody of the camera. On-call Technology staff shall be notified and will respond to the scene. The on-call person will take possession of the camera and download the data immediately. Once successfully retrieved, the camera will be returned to service. A critical incident shall be defined as an officer involved shooting, line of duty death, in custody death or any other situation where the situation is critical and immediate viewing and retention is necessary.
- B. If the camera is damaged and video retrieval is not possible, Technology staff will retain possession of the camera as evidence and will submit to Taser for inclusion into their evidentiary chain.
- C. Each video file will contain the date/time, BWC identifier, and the officer assigned to the recording.
- D. All images and sounds recorded by the BWC are the exclusive property of the Birmingham Police Department. Under no circumstances will the officer alter, delete, or remove video from the recording device. Accessing, copying, or releasing files for non law enforcement purposes is strictly prohibited. Any other dissemination must be authorized by the Chief of Police.
- E. All access to BWC files must be specifically authorized by the Chief of Police or their designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
- F. Video files under evidence.com/cloud storage solution, will be stored for a period of two and a half years unless tagged restricted category. The restricted category will be held maintained indefinitely.
- G. Annually, the Technology Unit will review agency compliance with this policy, the performance of hardware and software as well as the overall

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performance of the video evidence program. A report will be submitted to the Chief of Police detailing any problems, deficiencies or anticipated needs. This report will be completed for each preceding calendar year during the first quarter of the subsequent year.

**IX. SUPERVISOR'S RESPONSIBILITIES**

- A. Supervisors will ensure that officers equipped with BWC devices properly utilize them in accordance to this policy.
- B. Supervisors will randomly review BWC recordings through periodic inspections. Supervisors shall ensure that Officers equipped with BWCs utilize them in accordance with Department policy and the procedures set forth in this policy.. Supervisors may identify any areas where professional development or commendable recognition is needed. This will be documented on their daily activity report.
- C. When an incident is recorded which may be of value as a training aid for a broad section of the Department regarding police procedures, tactics and/or equipment use, the officer's supervisor should contact the training section of the Police Academy who will review the digital evidence to determine the value of the incident for training. If the Academy determines the incident would be an appropriate training aid, approval will be obtained from the Chief of Police or their designee.
- D. Supervisors will be authorized to view an officer's body-worn camera footage when it's necessary to investigate a complaint against an officer or a specific incident which the officer may be involved.
- E. Supervisors will review all BWC footage involving Use of Force, vehicle pursuits and critical incidents. This will be documented on their perspective reports.

**X. PERSONAL MOUNTING SYSTEM**

Officers are authorized to purchase other various mounting systems offered by Axon Inc. thorough their on-line store (<https://www.taser.com/purchase>). However no other mounting options are authorized other that those issued by the Birmingham Police Department without the expressed written permission of the Chief of Police or his/her designee.

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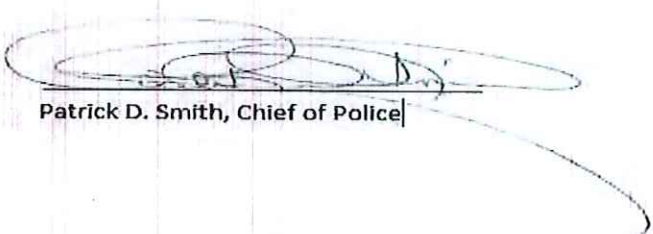
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**XI. PRIVACY**

Redactions may be authorized by the Chief of Police or his/her designee for restricted content such as HIPAA protected information, juveniles depicted without the consent of the parent or legal guardian and other issues or information resulting in privacy concerns. Redactions may also occur if the BWC contains information that is otherwise confidential or exempt from disclosure or release under State or Federal law; if disclosure would reveal information regarding a person that is of highly sensitive personal nature; if disclosure may harm the reputation or jeopardize the safety of a person. If Public Records request outweigh the legality of redaction the viewing opportunity will be arranged and coordinated through the Chief of Police within a reasonable time period following said request and authorization. The City of Birmingham Attorney's Office will review all request in accordance with section IV, B. of this policy.



Patrick D. Smith, Chief of Police